



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1513 SOUTH 12TH STREET
BISMARCK ND 58504-6640

COPY

September 25, 2013

North Dakota Regulatory Office

[NWO-2013-1120-BIS]

RECEIVED

OCT 17 2013

ECEJ-AT

Mr. John Brunini
Brunini, Grantham, Grower & Hewes, PLLC
The Pinnacle Building
190 East Capitol Street
Suite 100
Jackson, Mississippi 39201

Dear Mr. Brunini:

This letter is in reference to a Restoration Plan (Plan) required by the Environmental Protection Agency's (EPA) Administrative Order on Consent (AOC) (Docket No. CWA-08-2013-0032). The AOC concerns the implementation and completion of actions by BIP 40, LLC required to restore the environmental damage caused by the discharges of dredged and/or fill material into jurisdictional wetlands adjacent to Camp Creek at the Williston RV Village Resort in Williston, North Dakota. The Plan was approved by the EPA on September 19, 2013.

Based on the information provided to this office, it has been determined that this proposed restoration work is authorized by DA Nationwide Permit (NWP) No. 32, found in the February 21, 2012 Federal Register (77 FR 10184), Reissuance of Nationwide Permits. The enclosed fact sheet lists the General Conditions and Section 401 Water Quality Certification Requirements that must be followed for this DA authorization to remain valid. In addition, the Special Conditions listed below must also be adhered to for this DA authorization to remain valid. **Please note that any deviations from the original plans and specifications submitted to this office could require additional authorization from this office.**

This verification will be valid until **March 18, 2017**. If the nationwide permit is modified, suspended, or revoked prior to this date, but is reissued without modification or the activity complies with any subsequent modification, this authorization remains valid until the expiration date. All of the existing nationwide permits are scheduled to be modified, reissued, or revoked prior to March 18, 2017. It is incumbent upon you to remain informed of changes to the nationwide permits. We will issue a public notice when the nationwide permits are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation to complete the activity under the present terms and conditions.

The legal description at the project site: NE ¼, Section 24, Township 155 North, Range 101 West, Williams County, North Dakota, known as the Williston Village RV Resort.

In compliance with General Condition 30, you are required to submit the following project compliance certification within thirty (30) days of project completion. [Please check all applicable statements.]

- ☐ I certify that I have completed the project as permitted.
- ☐ I certify that I have completed a modified version of the project.
- ☐ I certify that I have completed all required mitigation.

Permittee's Signature: _____ Date: _____

This determination is applicable only to the permit program administered by the US Army Corps of Engineers. It does not eliminate the need to obtain other Federal, state, tribal and local approvals before beginning work.

You are responsible for all work accomplished in accordance with the terms and conditions of this NWP, including the Regional Conditions specific to projects undertaken in North Dakota. If a contractor or other authorized representative will be accomplishing the work authorized by this NWP on your behalf, it is strongly recommended that they be provided a copy of this letter and the attached conditions so that they are aware of the limitations of the applicable NWP. Any activity that fails to comply with the terms and conditions of this NWP will be considered unauthorized and may result in an enforcement action.

SPECIAL CONDITIONS:

BIP 40, LLC shall conduct removal and restoration activities for impacts to waters of the United States resulting from the unauthorized discharges of dredged and/or fill material at the project location in accordance with the schedule and other requirements set forth in the Wetland Restoration Plan (Plan), included as Attachment A.

1978 Stream Evaluation Map and Suitable Material. Permittees are reminded that General Condition No. 6 prohibits the use of unsuitable material. In addition, organic debris, some building waste, and materials excessive in fines are not suitable material. Specific verbiage on prohibited materials and the 1978 Stream Evaluation Map for the State of North Dakota can be accessed on the North Dakota Regulatory Office's website at: <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/NorthDakota.aspx>.

A copy of this letter is being sent to Ms. Monica Heimdal, 8ENF-W and Ms. Linda Kato, 8ENF-L, US EPA, Region 8, 1595 Wynkoop St., Denver Colorado 80202-1129; Mr. Christopher Hughes, BIP 40, LLC, 1569 Highway 15 South Bypass, Louisville, MS 39339; and Mr. Kyle Brock, GEOMAP, LLC, 6602 E. Lone Mountain Road N, Cave Creek, AZ 85331;

The Omaha District, North Dakota Regulatory Office is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at <http://per2.nwp.usace.army.mil/survey.html>. If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.

NWO-2013-1120-BIS
BIP 40, LLC Restoration Order
Reference EPA AOC (Docket No. CWA-08-2013-0032)

If you have any questions concerning this determination, please contact Ms. Patsy Crooke of this office by letter or telephone at (701) 255-0015 and reference project number **NWO-2013-1120-BIS**.

Sincerely,

Daniel E. Cimarosti
Regulatory Program Manager
North Dakota

Enclosure